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PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application:

Applicant: Dimond et al.

Serial No.: 10/734,321

Conf. No.: 1363

Filed: December 12, 2003

For: PHOTO-LUMINESCENT  
PIGMENT APPLICATION

Examiner: LONEY, Donald J.

Art Unit: 1772

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8/17/06  
Date

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Attorney for Applicant(s)  
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### **AFFIDAVIT OF GEORGE TREVOR DIMOND** **IN ACCORDANCE WITH 37 C.F.R. §1.132**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, George Trevor Dimond, 93 Nayland St, Sumner, Christchurch, New Zealand, hereby declare the following. The statements made herein are based on my personal knowledge or on the contents of records which have been created and maintained in the ordinary course of business and to which I have authorized access. If called as a witness, I could and would testify to the facts stated herein.

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1. I am the first named inventor in the above-identified application, and am an employee at Assignee Ecoglo Limited, having a principal place of business at 77 Kingsley Street, Sydenham, Christchurch, New Zealand (referred to herein as "Ecoglo"). I am familiar with the Ecoglo product featured in the above-identified application and with the market in which it is available.

2. Ecoglo manufactures and produces a photo luminescent pigment application in accordance with the claims of the above-identified application.

3. Step edging and step nosing products that incorporate Ecoglo's production process have been installed widely throughout the world with over three hundred sites in North America, including the following: Time Warner Center in New York City (with approximately 80,000 linear feet of Ecoglo's product); a cluster of seven buildings in Toronto, Canada (with over 20,000 steps having Ecoglo's product); and the Melbourne Cricket Ground in Melbourne, Australia (with over 25,000 steps having Ecoglo's product).

4. Ecoglo's product has enjoyed commercial success because it is durable and lasts longer than competing photo luminescent pigment applications, which require capping or covering to prevent dirt and cleaning chemicals from penetrating the pigment. Ecoglo's product, while being exposed

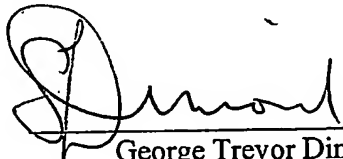
and uncovered, is still resistant to dirt and commercial cleaning methods including chemical cleansers.

5. By utilizing the photo luminescent pigment application recited in the above-identified application, Ecoglo has lowered its production costs by approximately 80%, enabling customers to purchase Ecoglo's product for a lower price than competitors, and at a price similar to equivalent "non-glow" products.

6. In view of the above, it is my strong belief that the invention of the above-identified product has been instrumental in the commercial success of Ecoglo's product.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 17 August, 2006, at Christchurch, New Zealand.

By:   
George Trevor Dimond